

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID KOCH,

Plaintiff,

v.

DELANE T. LAWSON and BURGESS
TRUCKING COMPANY, INC.,

Defendants.

No. 4:22-CV-01647

(Chief Judge Brann)

ORDER

APRIL 12, 2023

In accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' Partial Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. 5) is **GRANTED**; and
2. Counts Two and Four of Plaintiff's Complaint (Doc. 1, Ex. A) are **DISMISSED** without prejudice; and
3. Plaintiff may docket a First Amended Complaint on or before April 26, 2023, should he choose to do so.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge